

DISPOSITION: 3-2-62. Default—the chili peppers were destroyed; the other articles were delivered to a charitable organization.

27689. Chocolate-covered peanuts. (F.D.C. No. 46233. S. No. 61-307 R, 61-477 R.)

QUANTITY: 107 cases, 12 bags each, at Bellevue, Wash.

SHIPPED: 7-6-61 and 8-1-61, from San Jose, Calif., by Safeway Stores, Inc.

LABEL IN PART: (Bag) "Roxbury Chocolate Peanuts Ingredients: Milk Chocolate with added emulsifier, Peanuts, Sugar, Cocoa, Corn Syrup, Salt Distributed by Safeway Stores, Incorporated—Head Office, Oakland, California Net Wt. 8 Oz."

RESULTS OF INVESTIGATION: Examination showed the article to be peanuts with a chocolate-flavored coating. Mandatory information was printed on the label in small, brown-colored letters and was inconspicuous because of peanuts in the background.

LIBELED: 8-8-61, W. Dist. Wash.; amended libel 8-10-61.

CHARGE: 403(a)—when shipped, the label statement "Chocolate Peanuts" was false and misleading as applied to the article which was coated with a mixture composed of milk chocolate and cocoa; and 403(f)—the information required by 403 (e) and (i) (2) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, the quantity of contents and ingredient statements, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 2-12-62. Default—delivered to a public institution for use as animal feed.

27690. Chocolate-covered mint patties. (F.D.C. No. 46813. S. No. 14-347 T.)

QUANTITY: 56 cases, each containing 12 display ctns., each ctn. containing 120 individually wrapped pieces of candy, at Forest Park, Ill.

SHIPPED: 11-21-61, from St. Paul, Minn., by Pearson Candy Co.

LABEL IN PART: (Candy) "Pearson's Chocolate Covered Mint Ingredients * * * Pearson Candy Company St. Paul, Minnesota."

RESULTS OF INVESTIGATION: Examination showed that the statement of ingredients on the display carton did not agree with the statement on the individual candy wrapper; that each piece of candy was individually wrapped in silver foil paper and the manufacturer's name and address and the ingredients statements were difficult to read due to being printed in small type in green ink on the highly reflective silver-colored wrapper, so as to be inconspicuous; also such information was partially hidden due to folding over corners of the square wrapper to cover a round piece of candy.

LIBELED: 1-3-62, N. Dist. Ill.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1) and (i) (2) to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, and the common or usual name of each ingredient, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the article